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Reports since the second edition was published. Some of the chapters have been rewritten throughout, and all have been altered "sufficiently to include a modifying amount of novelty." Of the first class are those in Book VII, on Unclassified Relations. While the heading of each chapter is unchanged, and while many paragraphs have been altered but little, this Book taken as a whole may properly be called a new production. For example, the discussion of *Young v. Grote* (4 Bing. 253) has been transferred from the chapter on Estoppel to that on Bankers. Moreover, the doctrine of this much criticized case is now limited to the relation of banker and customer, and is stated as amounting to this only: that the customer in that case, "by his neglect to use due caution, had caused his bankers to make payment on a forged order" (p. 1328). To what extent the author's view of *Young v. Grote* has changed can be seen by comparing the above quotation with the statements on pp. 1595-1599 of the second edition.

A good example of the chapters which have not been rewritten, but are modified to a noticeable degree by the introduction of late decisions, is that on Limits of Liability. Particular reference may be made to the portion dealing with liability for damages caused by fright, mental anguish, or nervous shock, when there is no physical impact. The very full discussion of this topic in the second edition is supplemented, here, by a careful and discriminating review of all the important English cases decided between 1895 and 1908.

While a few American cases of recent date are cited in this connection, no such prominence is given to them as is accorded to the supplemental English decisions. This is in accordance with the policy explained in the preface, of discontinuing the attempt, made in the former editions, "to present the law of the United States side by side with our own." The author writes: "I am convinced that such an attempt is impossible of success and also inexpedient. I have in my possession a vast American Treatise on Negligence. It is in six volumes, has 7741 pages and deals with 36,000 cases or thereabouts. Yet even in these generous limits very many American decisions on negligence of the greatest weight are not included. What hope then of dealing with a body of law so enormous in addition to our own? Moreover, the study of this Encyclopædia of Negligence has made plain to me what I before suspected—that, though of the same parentage as ours, American law has in late years been developing along divergent lines, and accepts principles widely applicable that are to us not only novel, but fundamentally unsound."

A characteristic feature of this treatise is its careful analysis and trenchant criticism of decisions which the author deprecates. *Stanley v. Powell* ([1891] 1 Q. B. 86) affords an excellent example. Mr. Beven expresses surprise that this should have been "introduced in a recent excellent and authoritative collection as a leading case," and adds: "What a leading case means in this connection I cannot say; but in my opinion *Stanley v. Powell* is not an authority for anything, but was decided on quite wrong grounds." In the body of the text (p. 569) he declares: "it would be a useless labour to follow the judgment through its confused and inaccurate review of the cases." Here, as well as elsewhere, Mr. Beven, to quote his own words (p. v), "has used considerable freedom in inquiring into the validity of the decisions arrived at."

Many a reader will prefer the rule laid down by Mr. Justice Denman, in *Stanley v. Powell*, to that contended for by the author; but every one who carefully studies the chapter in which that case and kindred cases are dissected and the author's rule is deduced, will bear witness to the ability and thoroughness with which Mr. Beven has dealt with the topic. And what is true of this chapter is true of the entire work.

F. M. B.

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REPORTS OF THE AMERICAN BAR ASSOCIATION. Vol. XXXII. AN ESSAY ON PROFESSIONAL ETHICS. By George Sharswood. Fifth Edition. Philadelphia: T. & J. W. Johnson Company. 1907. pp. 196. 8vo.

In the present national searching of conscience the American Bar Association takes its part by proposing and discussing a code of professional ethics,

and it is in connection with this proposed code that this reprint of Judge Sharswood's book has been published. Eighty years ago De Tocqueville wrote that in America, "as the lawyers form the only enlightened class whom the people do not mistrust, they are naturally called upon to fill most of the public stations," and in 1854 his statement is corroborated by Judge Sharswood. Thirty years later, in his "American Commonwealth," Mr. Bryce tells us that "it is clear that the Bar counts for less as a guiding and restraining power . . . than it did. . . . The growth of the rich and powerful corporations, willing to pay vast sums for questionable services, has seduced the virtue of some counsel whose eminence makes their example important." And today lawyers are often actually objects of public distrust. This fall of the profession from the high prestige of the past has been accomplished by the influx of many who seek admission to the bar mainly for its emoluments. Such as these risk the loss of public esteem provided there is not entailed the loss of gold, and their risk is less because perhaps the public conscience has become passive, through frequent occurrence, to many acts which once would have been the cause of social ostracism.

It is from the codification of the elementary standards of the profession alone that help for this state of affairs may be sought, for gradually, as conditions warrant, courts may well require a submission to such principles as a condition precedent to admission to the bar. Of the worth in such a cause of Sharswood's "Professional Ethics" nothing need be said. It is one of the very few legal treatises of which a first edition published over fifty years ago is still valuable to the profession, for, though times and conditions have changed, the same qualities, today as then, make an honest man. It is to be wished that the book were more often and more widely read.

M. F.

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- A TREATISE ON THE INCORPORATION OF CORPORATIONS. By Thomas Gould Frost. Third Edition. Boston: Little, Brown and Company. 1908. pp. xv, 909. 8vo.
- ON THE WITNESS STAND, Essays on Psychology and Crime. By Hugo Münsterberg. New York: The McClure Company. 1908. pp. 269. 8vo.
- LA PROPRIETÀ PRIVATA NELLE GUERRE MARITTIME SECONDO IL DIRITTO INTERNAZIONALE PUBBLICO. By Tullio Giordana. Turin: Società Tipografica Editrice Nazionale. 1907. pp. 301. 8vo.
- DELLA TRANSAZIONE SECONDO IL DIRITTO ROMANO. By Cesare Bertolini. Turin: Unione Tipografica Editrice. 1900. pp. xii, 422. 8vo.
- FOUNDATIONS AND ELEMENTS OF LAW. By William T. Hughes. Vol. I. Chicago: Usona Book Company. 1908. pp. xv, 356. 8vo.
- FOUNDATIONS OF JURISPRUDENCE. By William T. Hughes. Chicago: The Usona Book Company. 1907. pp. xiv, 250. 8vo.